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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 10-46071 LJT

**GERARDO GARCIA and
GEORGETTE ROSELLA GARCIA,**

Chapter 13

Debtors.

**MOTION TO VALUE SECURITY OF
WELLS FARGO BANK, NATIONAL
ASSOCIATION UNDER FRBP 3012;
NOTICE AND OPPORTUNITY TO
REQUEST A HEARING**

Debtors Gerardo and Georgette Garcia ("Debtors") hereby move the court to value the claim of Wells Fargo Bank, National Association ("Wells Fargo") secured by a lien against Debtors' property located at 3916 Ash Grove Way, Sacramento, CA 95827 ("the property").

1. This motion is based on the petition, schedules, and documents on file herein, and the Memorandum of Points and Authorities in Support of the Motion and Declaration of Debtor in Support of the Motion filed herewith.

2. As stated in the attached Declaration, at the time of filing, Debtors' property was worth less than the first lien against the property.

1 3. Wells Fargo holds the second lien against the property.

2 Based on the foregoing, and for the reasons stated in the
3 attached Memorandum of Points and Authorities, Debtors pray that:

4 1. For purposes of Debtors' chapter 13 plan only, the court value
5 Wells Fargo's second lien at zero, hold that Wells Fargo does not have
6 a secured claim, and hold that Wells Fargo's second lien may not be
7 enforced, pursuant to 11 U.S.C. §§ 506, 1322(b)(2), and 1327; and

8 2. Upon entry of a discharge in Debtors' chapter 13 case, the
9 lien shall be voided for all purposes, and upon application by
10 Debtors, the court will enter an appropriate form of judgment voiding
11 the lien.

12 **PLEASE TAKE NOTICE:**

13 (i) That Local Rule 9014-1 of the United States Bankruptcy Court
14 for the Northern District of California prescribes the procedures to
15 be followed and that any objection to the requested relief, or a
16 request for hearing on the matter must be filed and served upon the
17 undersigned within twenty-one (21) days of mailing of this Notice;

18 (ii) That a request for hearing or objection must be accompanied
19 by any declarations or memoranda of law the party objecting or
20 requesting wishes to present in support of its position;

21 (iii) That if there is not a timely objection to the requested
22 relief or a request for hearing, the Court may enter an order granting
23 the relief by default; and

24 (iv) That the undersigned will give at least seven (7) days
25 written notice of hearing to the objecting or requesting party, and to
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1 any trustee or committee appointed in the case, in the event an
2 objection or request for hearing is timely made; and

3 (v) That, except as otherwise ordered by the court, the initial
4 hearing on the motion will not be an evidentiary hearing, and will
5 serve as a status conference at which the court may schedule any
6 evidentiary hearing necessary.

7
8 Dated: July 26, 2010

/s/ Corrine Bielejeski

CORRINE BIELEJESKI

Attorney for Debtors